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Letter dated 27 February 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, containing an account of the Committee's activities for the year 2003. The report, which was adopted by the Committee today, 27 February 2004, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Ronaldo Mota **Sardenberg**
Chairman
Security Council Committee established pursuant to
resolution 1132 (1997) concerning Sierra Leone

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Annex

Report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone covers the period from 21 December 2002 to 31 December 2003.

2. A report of the Committee covering its activities from January to December 2002 was submitted to the Security Council on 20 December 2002 (S/2002/1414).

3. For 2003, the Bureau consisted of Adolfo Aguilar Zinser (Mexico) as Chairman, from 1 January to 20 November 2003, the delegations of Cameroon and Pakistan providing the Vice-Chairmen. During the reporting period the Committee held six formal and two informal meetings.

II. Background information and summary of the work of the Committee

A. Background information

4. By its resolution 1132 (1997) of 8 October 1997, the Security Council, determining that the situation in Sierra Leone, following the military coup of 25 May 1997, constituted a threat to international peace and security in the region, imposed a mandatory ban on the sale or supply by States to Sierra Leone of arms and related materiel, and petroleum and petroleum products. By paragraph 5 of the resolution, the Council also imposed travel restrictions on members of the military junta and adult members of their families. Subsequently, by its resolution 1156 (1998) of 15 March 1998, the Council lifted the oil embargo and, by its resolution 1171 (1998) of 5 June 1998, confirmed the removal of sanctions on the Government and reimposed the arms embargo and travel ban on leading members of the Revolutionary United Front and of the former military junta.

5. On 5 July 2000, the Security Council adopted resolution 1306 (2000) in which, inter alia, it decided, in paragraph 1, that all States should prohibit the direct or indirect import of rough diamonds from Sierra Leone to their territory.

6. On 19 December 2001, the Security Council, by resolution 1385 (2001), extended for a period of 11 months, from 5 January 2002, the measures imposed by paragraph 1 of resolution 1306 (2000), except that, pursuant to paragraph 5 of that resolution, rough diamonds controlled by the Government of Sierra Leone under the certificate-of-origin regime would continue to be exempt from those measures.

7. On 4 December 2002, the Security Council, by resolution 1446 (2002), decided to extend, for a new period of six months, beginning on 5 December 2002, the prohibition of the import of Sierra Leone rough diamonds except those controlled by the Government under the certificate-of-origin regime.

B. Summary of the activities of the Committee

8. As agreed by the Committee at its 29th meeting, the Chairman addressed letters, dated 20 February 2003, to the President of Sierra Leone and to the Special Representative of the Secretary-General for Sierra Leone, seeking recommendations with regard to the list of individuals affected by the travel restrictions imposed by paragraph 5 of resolution 1171 (1998) that the Committee might take into account when reviewing the list.

9. After considering the replies received from the Government of Sierra Leone and the Special Representative of the Secretary-General the Committee decided, at its 31st meeting, to delete the following names of persons confirmed deceased from the list of individuals affected by the travel restrictions imposed by paragraph 5 of resolution 1171 (1998): Sergeant Sahr Gborie, Major Victor L. King, Brigadier General S. F. Y. Koroma, Solomon Y. B. Rogers, Major Kula Samba, Hon. Staff Sergeant Abu Sankoh, Colonel Abdul Karim Sesay, and Abdul Salami Williams. Subsequently, the Committee issued a revised travel ban list on 6 June 2003, which was communicated to all States by note verbale, and which was also published as a press release of the Security Council.

10. In response to the note verbale transmitting the revised travel ban list, several States wrote to the Committee requesting additional information regarding the individuals included in the list and noting that such information would assist them in implementing the Council's measures. The Committee subsequently authorized the Chairman to write to the Sierra Leonean authorities to seek additional information, including passport details, date and place of birth, and photographs of the individuals concerned.

11. Following a decision taken by the Committee at its 34th meeting, the Acting Chairman on 17 December 2003 wrote to the Permanent Representative of Sierra Leone to the United Nations, seeking the Government's views regarding (a) the framework to be used for reviewing and revising the travel ban list; (b) revised criteria for the addition and removal of names to and from the list; and (c) the need for the legal basis of the travel ban to be redefined. The Permanent Representative of Sierra Leone conveyed a reply to the Committee dated 22 December 2003, which contained specific information regarding the death of two individuals included in the travel ban list (Colonel Sam Bockarie and Corporal Foday Sankoh), and which also indicated that the views of the Government of Sierra Leone on the broader questions of reviewing and revising the travel ban list would be forwarded to the Committee in due course.

12. On 25 March 2003, the Committee approved a request from the Government of Sierra Leone for an exemption of the travel restrictions for Dr. Bailah Leigh to travel to Brazzaville to participate in the World Health Organization consultative meeting, held from 8 to 12 April 2003.

13. In a communication dated 4 April 2003, the Attorney-General and Minister of Justice of Sierra Leone requested the Committee to grant a waiver of the travel restrictions which would permit Foday Sankoh to be evacuated to Accra to receive medical treatment. In a reply dated 7 April 2003, the Chairman informed the Permanent Mission of Sierra Leone that the Committee could not agree to the request at that time. Recognizing the humanitarian nature of the case, the Chairman in his reply stated that the Committee would reconsider the travel ban waiver

request for Mr. Sankoh upon receiving written assurances that legal provisions were in place to ensure that Mr. Sankoh would be kept in the custody of the Special Court for Sierra Leone while travelling to receive medical attention, and that he would be returned to Sierra Leone after treatment.

14. At its 32nd meeting, on 11 July 2003, the Committee considered a letter dated 25 June 2003 from the Registrar of the Special Court for Sierra Leone requesting an exemption to the travel restrictions for Foday Sankoh in the light of a further deterioration of Mr. Sankoh's health. The Committee decided that the Chairman should write to the Registrar of the Special Court informing him that the Committee was prepared to grant a travel ban waiver for Mr. Sankoh (despite the fact that no agreement had been reached between the Special Court and the State where he was to receive treatment) if a new request were accompanied by a clear purpose for the travel with a defined destination and specific dates for his departure and return, and also by assurances from the Special Court that qualified personnel from the Court would escort Mr. Sankoh and provide adequate security. Subsequently, as mentioned in paragraph 11, Mr. Sankoh died.

15. At its 30th meeting, on 8 April 2003, the Committee considered a communication from the Government of Sierra Leone containing further details regarding information provided in its fourth review of the certificate-of-origin regime (S/2002/826).

16. In a letter dated 20 May 2003 addressed to the President of the Security Council, the Chairman conveyed to the Council the Government of Sierra Leone's fifth review of the certificate-of-origin regime for the export of Sierra Leone diamonds (S/2003/559 and Corr.1), which the Committee considered during its informal consultations on 23 May and at its 31st meeting on 30 May.

17. On 4 June 2003 the Chairman briefed the Security Council on the Committee's deliberations concerning the Government of Sierra Leone's fifth review of the certificate-of-origin regime, as part of the Security Council's review of its prohibition against the import of rough diamonds from Sierra Leone not controlled by that regime, pursuant to paragraph 2 of resolution 1446 (2002).

18. On 5 June 2003, following the Security Council's review, the President of the Council read out a statement to the press, in which it was noted, inter alia, that in the light of the Government of Sierra Leone's increased efforts to control and manage its diamond industry and ensure proper control over diamond mining areas, and the Government's full participation in the Kimberly Process, members of the Council had agreed not to renew its prohibition against the import of rough diamonds from Sierra Leone not controlled by the certificate-of-origin regime.

C. Violations and alleged violations of the sanctions regime

19. At its 30th meeting the Committee considered a letter dated 26 February 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, in which attention was drawn to alleged violations of the Sierra Leone diamond sanctions described in the report of the Panel of Experts on Liberia dated 25 October 2002 (S/2002/1115). With the Committee's agreement the Chairman, on 17 April 2003, addressed letters to the Permanent Representatives of the Gambia, Guinea, Mali, Senegal and Sierra Leone to the United Nations requesting information on the alleged violations of the diamond ban.

Responses were received from the Gambia, Guinea and Sierra Leone. The Committee would have liked to receive responses to all of the letters it dispatched in connection with the alleged violations of the sanctions, particularly in the light of the Committee's usual practice of always following up on unanswered correspondence. However, given the fact that the Security Council had not renewed the prohibition against the import of rough diamonds from Sierra Leone not controlled by the certificate-of-origin regime, the members could not reach consensus on the matter of dispatching follow-up letters to Mali and Senegal.

III. Observations

20. In the absence of a specific monitoring mechanism to ensure the effective implementation of the sanctions regime, the Committee urges all States and organizations that are in a position to provide it with pertinent information to do so. The mandate of the Committee pertaining to the arms embargo could also be facilitated by reports through the Economic Community of West African States, the United Nations Mission in Sierra Leone and the United Nations Mission in Liberia.